

ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
February 19, 2009

Thomas Pospisil opened the meeting at 8:00 p.m. by reading the Open Public Meetings Law Statement:

This is a Regular Meeting of the Zoning Board of Adjustment. In compliance with the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers & notice is posted at River Vale Municipal Offices.

<u>ROLL CALL:</u>	Kevin Martin	Chairman	Absent
	David Rice		Present
	Thomas Pospisil		Present
	Robert Adamo		Absent
	Joseph Massin	Alternate # 2	Present
	Robert Fortsch		Present
	John Donovan		Present

<u>ALSO PRESENT:</u>	Douglas Bern for Brian Giblin Board Attorney	Present
	Elliott Sachs Board Engineer	Absent

Swearing in of New Member:

Douglas Marchese was sworn in by Douglas Bern as Alternate No. 2 member. The Board members welcomed Mr. Marchese.

VOUCHERS:

None

RESOLUTIONS: - None

Talukdar, Orangeburgh Road, Block 601, Lot 10

A motion by John Donovan, seconded by David Rice to adopt the resolution; on roll call vote, all in favor, the motion carried.

APPLICATIONS:

Talocco, 688 Westwood Avenue, Block 1801, Lots 20, 21, 22
Yuki Hanna, LLC, 688 Westwood Avenue, Block 1801, Lots 20, 21, 22
Violation of 142-273

Combined applications – same property - 2 restaurants – continued application

Attorneys – Saverio Cereste, Richard Hubschman

Mr. Cereste advised that the Board had asked for a written report on the parking analysis. The report was prepared by Mr. Peregoy, PE, marked as Exhibit A-3 and provided to the Board members. Mr. Peregoy was previously sworn in. 155 parking spaces were previously approved. 5.39 spaces per 1000 sq. ft. in a 28,742 sq. ft. shopping center. Forty seats are proposed in the Italian restaurant and 4 employees. Eighty seats are proposed in the Japanese restaurant and 5 employees. A 24 space parking variance is needed for the Italian restaurant and a 40 space parking variance is needed for the Japanese restaurant. Mr. Peregoy explained how he came to these figures. The parking generation is based on ITE analysis and actual parked vehicles. Mr. Peregoy reviewed peak hours for the shopping center on Fridays and Saturdays. Provided peak demand for individual uses including a health club. 138 spaces at peak demand based on ITE. Provided parking requirements for shopping centers by Urban Land Institute. Two restaurants would take up 13% of floor area. 155 parking spaces were approved on the previous application.

David Rice inquired if the handicapped parking spaces would need to be relocated. Mr. Peregoy reviewed the previously marked Exhibit for handicapped parking. Two spaces are at building no. 1 and 3 spaces at building no. 2. Parking will comply with requirements. Mr. Cereste advised that the ordinance requires 1 parking space for every 50 sq. ft. Mr. Cereste reviewed the variances requested. – Parking variance, depth per parking space and space between each parking space.

Acting Chairman Pospisil opened the meeting to the public and so carried.

No public comment.

The meeting was closed to the public.

It will be noted as a condition that if more restaurants are considered, the applicant would need to come back before the Board. Mr. Massin commented that testimony indicated that there may or may not be a health club in the location. If not, what other uses would be considered. Mr. Cereste commented that if the health club were eliminated it would be a plus requiring less parking.

Robert Fortsch commented on Township parking requirements. Mr. Fortsch wanted to reinforce testimony that state of the art equipment would be used, ventilation would be placed pointing away from neighbors and there would be extra effort given to the trash location because of restaurant use and food. Mr. Hubschman advised that the Townships Board of Health rules would be complied with.

John Donovan thanked Mr. Peregoy for his report this evening.

A motion by John Donovan, seconded by Joseph Massin to approve the application as conditioned and discussed; on roll call vote, all in favor, the motion carried.

Capone, 570 Wittich Terrace, Block 803, Lot 10
Violation of 142-263

Robert Fortsch recused himself and stepped down from the dais.

Robert Capone and Joan Thomas Capone were sworn in by the Board Attorney. Notices are in order. A second story on an existing ranch house and a small front porch not used for sitting is proposed. A shed will be removed. David Rice commented that the neighbors did not have porches.

Thomas Pospisil commented that the setback should be to the bottom of the front step. The variance for the front yard setback to the steps should be 7 ft. / 3.2 ft. relative to the house setback is okay. Created is a 38 ft. setback with a variance of 7 ft. A small roof is proposed over the porch. A variance is required because of building up and the house is located close to the street; all pre existing conditions.

Mr. Pospisil opened the meeting to the public and so carried.

Evan Geffner resides in the area. He commented that there are a lot of non-conforming structures on the street and his concern was any affects on modifications of homes. Mr. Pospisil advised that the size of the house is taken into consideration. If within the foot print, we would want conformity per David Rice. Mr. Geffner felt that this would create a trend that all homes would do. Mr. Donovan advised that what is proposed would be harmonious with the rest of the neighborhood.

Julia Geffner commend that she and her husband had just moved into the area and were particular about what house they purchased. Her concern was that the application as proposed would ruin the character of the neighborhood and set a precedent.

The meeting was closed to the public and so carried.

Mr. Massin stated that the proposed height of the building is within code and the number of stories is in compliance. He felt this proposal would not change the character of the neighborhood and would enhance curb appeal. Mr. Donovan agreed that what is being proposed seems reasonable. Mr. Marchese commented that the dimension of the footprint is not being changed. Mr. Pospisil reviewed variance requests and condition that the porch would not be enclosed.

A motion by Joseph Massin, seconded by John Donovan to approve the application as discussed and conditioned; on roll call vote, all in favor, the motion carried. Robert Fortsch was recused.

Robert Fortsch returned to the dais.

Rosell's Citgo, 190 Demarest Avenue, Block 1602, Lot 9
Violation of 142-226

Nancy Saccente, attorney for the applicant. Alaric Rosell applicant, 13 Front Street, Westwood was sworn in by the Board's Attorney. Ms. Saccente provided an overview and background on the property. The property is located in the B zone. Currently there are 3 uses, gas station, service station and single family residence. The applicant wants to eliminate the gas station. Primary use would be service. Seeking a use variance for non-conforming use and wants to eliminate a non-conforming use in a residential zone.

Ms. Saccente advised that Alaric Rosell wants to purchase the property from the current owner. He has been the operator tenant since May, 1997. All pumps, canopies, tanks related to gas station will be

removed. General auto repair is intended. Mr. Rosell took 18 photos of the property which were presented and marked as Exhibit A-1. Mr. Massin inquired if the area would be repaved after the tanks were removed. Mr. Rosell advised it would be. Mr. Massin asked if interior bays would be added in the future. Mr. Rosell had no plans to do this at this time. Mr. Massin had concerns about outside appearance and outside repair of vehicles. Mr. Fortsch had these same concerns. Mr. Rosell assured them that the area would be kept clean and the area where the pumps are currently located would not become a parking area. No new signs would be placed.

John Donovan felt that this would be reducing a non-conformance in the area. He inquired if Hillsdale was notified. Ms. Saccente advised that Hillsdale, River Vale and Westwood were noticed.

The current owner of the property will have the tanks removed.

Thomas Pospisil opened the meeting to the public and so carried.

No public comment.

The meeting was closed to the public.

For review, the existing sign on the building will remain; the free standing sign will be removed. Tanks will be removed by the owner in compliance of the DEP.

A motion to approve the application as discussed by Robert Fortsch, seconded by Joseph Massin; on roll call vote, all in favor, the motion carried.

ADJOURNMENT:

Upon motion seconded and carried, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary